

honest unfortunate, but that the assault, or trespass, of a wrongdoer, should be mulcted or punished in goods or body, to the satisfaction of the injured party.

2. Notwithstanding that it has been solemnly adjudged and decided, by the supreme judiciary of the United States, that the entire control of this power resides in the states, and that imprisonment forms no part of the contract, yet it is known that many cases have occurred, of actual imprisonment, under process from the federal courts, in gross violation of a right reserved, as thus admitted, and as thus declared by the said judiciary; and hence arises the strong, and imperious necessity, of a positive act to establish firmly, and unequivocally, the state's sovereignty, and the people's claim.

3. The tendency and effect of basing credit upon the point of honour, to enhance the estimation of probity, to assure punctuality, and thereby to reduce the evils of litigations, to curtail the sittings of courts, and to relieve the oppression of public charges, are too obvious to require argument or illustration.

Without attempting to answer in advance every objection which may be arrayed, the committee will further offer a few remarks, with intent to expose the most common and prevailing errors.

The anticipated injury to commerce from the destruction of credit, which some suppose may result from the measures proposed, is inadmissible, as the smallest departure from punctuality, is abhorrent to commercial credit, and much more so is actual imprisonment; commercial credit cannot contemplate the last alternative, it rests on honour.

As it relates to the protection of the foreign creditors, by the hypothecation of the body, and the consequent incarceration of our fellow citizens, and as to the expediency of fostering foreign credit, in the encouragement of foreign labour, by the consumption of foreign fabricks, to the depression, and embarrassment of domestic industry, and the general welfare of our own people, the question is yet moot and unsettled; conflicting interests yet divide us, but we cannot admit the injuries anticipated to flow from the abolition to mechanics, nor to farmers, nor to any other class or portion of community, nor in fact to any description of valuable credit, but on the contrary, we are fully convinced that every benefit will result from the improvement of confidence, the assurance of regularity, and promptness of payment in all our dealings. And, as intimately connected with this question, we might urge that agriculture, and not commerce, is our primary interest, and merits first our especial regard and consideration. And we might contrast the variance of policy between an insular and limited territory, and a vast continent, whose expanse of surface embraces the elements of every climate, and yields the fruits of every soil; a world in fine within itself, and it might not be superfluous, or impertinent, to investigate the relative extent of the expenditures of the federal government, and to manifest the essential fact, that the public burdens have chiefly arisen from the cost of protecting foreign commerce, whilst the means of discharge have been chiefly drawn, by taxation, from the landed interest, insiduously through the consumption of foreign manufactures. But referring the settlement of this question to the lights of science in political economy, we forbear to proceed in this digression, and in approaching a conclusion, present, as propositions susceptible of demonstration, that imprisonment for debt is incompatible with, and repugnant to, the principles of civil liberty, and that its employment is inhuman, immoral,